IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

OP.No. 21546 of 2000(M)

PETITIONERS:

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1. **ALL KERALA KEROSENE WHILE SALE DEALERS ASSOCIATION, XIV/869, SHORNUR ROAD, WEST PERINGAVU, THRISSUR, REP.BY ITS PRESIDENT SRI. C.ZHACHARIAH VARGHESE.**

2. **C.ZACHARIAH VARGHESE, S/O. VARGHESE, PRESIDENT, ALL KERALA KEROSENE WHOLESALE DEALERS ASSOCIATION, KEROSENE WHOLESALE DEALERS, KUNNAMKULAM, THALAPPALLI TALUK, THRISSUR DISTRICT.**

3. **N.A.CHERIYAN, AGED 75. S/O. ABRAHAM , MANAGING PARTNER, SAINIK KEROSENE AGENCIES, THIRUVANANTHAPURAM – 5.**

BY ADV. SRI.T.S.RADHAKRISHNA PILLAI

RESPONDENTS:

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1. **STATE OF KERALA REP.BY THE SECRETARY TO GOVERNMENT, FOOD AND CIVIL SUPPLIES DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.**

2. **COMMISSIONER OF CIVIL SUPPLIES BOARD OF REVENUE, (CS) THIRUVANANTHAPURAM.**

3. **DISTRICT COLLECTOR, THIRUVANANTHAPURAM.**

4. **DISTRICT COLLECTOR, KOLLAM.**

5. **DISTRICT COLLECTOR, PATHANAMTHITTA.**

6. **DISTRICT COLLECTOR, ALAPPUZHA.**

7. DISTRICT COLLECTOR, KOTTAYAM.

8. DISTRICT COLLECTOR, IDUKKI.

9. DISTRICT COLLECTOR, ERNAKULAM.

10. DISTRICT COLLECTOR, THRISSUR.

11. DISTRICT COLLECTOR, PALAKKAD.

12. DISTRICT COLLECTOR, MALAPPURAM.

13. DISTRICT COLLECTOR, KOZHIKODE.

14. DISTRICT COLLECTOR, WAYANAD.

15. DISTRICT COLLECTOR, KANNUR.

16. DISTRICT COLLECTOR, KASARAGOD.

BY GOVERNMENT PLEADER SMT.K.R.DEEPA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 07/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NO.36200/2000 IN OPNO.21546/2000

DISMISSED

07.06.2007 **SD/- KURIAN JOSEPH, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER IN CMP. NO.15882/97 IN OP. NO.9127/97 DT.30.5.97 OF THE HIGH COURT OF KERALA.

EXT.P2:- COPY OF THE LETTER DT. NOVEMBER 6, 1997 ISSUED BY THE SECRETARY MINISTRY OF PETROLEUM AND NATURAL GAS, GOVERNMENT INDIA TO THE 1ST RESPONDENT.

EXT:P3:- COPY OF THE LETTER DT.19.12.97 ISSUED BY THE 1ST PETITIONER TO THE 1ST RESPONDENT.

EXT.P4:- COPY OF THE PRICE FIXATION STATEMENT OF KEROSENE OIL W.E.F. 1.12.97 ISSUED BY THE 3RD RESPONDENT.

EXT.P5:- COPY OF THE LETTER DT.19.1.98 ISSUED BY STATE LEVEL CO- ORDINATOR TO THE 1ST RESPONDENT.

EXT.P6:- COPY OF THE LETTER DT.27.10.98 ISSUED BY THE DIRECTOR OF CIVIL SUPPLIES TO THE 1ST RESPONDENT.

EXT.P7:- COPY OF THE LETTER DT. 8.12.98 ISSUED BY the 1ST PETITIONER TO THE 1ST RESPONDENT.

EXT.P8:- COPY OF THE LETTER DT. 15.1.99 ISSUED BY THE 1ST RESPONDENT TO THE 1ST PETITIONER.

EXT.P9:- COPY OF THE LETTER DT. 27.3.99 ISUE BY 1ST PETITIONER TO THE 1ST RESPONDENT.

EXT.P10:- COPY OF THE LETTER DT.9.4.1999 ISSUED BY THE DIRECTOR OF CIVIL SUPPLIES TO ALL DISTRICT COLLECTORS.

EXT.P11:- COPY OF THE LETTER DT. 10.10.99 ISSUED BY THE GOVERNMENT OF INDIA TO THE 1ST RESPONDENT.

EXT.P12:- COPY OF THE LETTER DT. 26.10.99 ISSUED BY HINDUSTAN PETROLEUM CORPORATION TO TRANSPORT CONTRACTORS AND COPY TO PETITIONERS.

EXT.P13:- COPY OF THE CHART SHOWING THE EROSION OF BENEFET FOR KWDS OVER THE YEARS SIED BY THE 1ST PETITIONER

OP. NO.21546/2000

EXT.P14:- COPY OF THE TRANSPORTATION CHARGES OF VARIOUS STATES ISSUED BY THE 1ST PETITIONER.

EXT.P15:- COPY OF THE ORDER DT. 254.7.2000 ISSUED BY THE 1ST RESPONDENT TO THE DIRECTOR OF CIVIL SUPPLIES.

EXT.P16:- COPY OF THE LETTER DT.18.10.2000.

EXT.P17:- COPY OF THE ORDER G.O.MS 15/97 /F&CSD DT.13.5.97 ISSUED BY SECRETARY TO GOVERNMENT F & CS (D) DEPARTMENT.

EXT.P18:- COPY OF THE ORDER DT.27.10.2000 ISSUED BY GOVERNMENT OF INDIA MINISTER OF PETROLEUM & NATURAL GAS TO SECRETARY F & CS. ALL STATE GOVERNMENT UNION TERRITORIES.

EXT.P19:- COPY OF THE ORDER G.O.(MS) 80/DT.1.10.2000 OF GOVERNMENT OF ANDHRA PRADESH.

EXT.P20:- COPY OF THE MEMORANDUM SUBMITTED BY 1ST PETITIONER TO HONOURABLE MINISTER FOR FOOD & CIVIL SUPPLIES DT. 5.10.99.

/TRUE COPY/

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KURIAN JOSEPH J.

O.P. NO.21546 OF 2000

Dated 7th June, 2007.

J U D G M E N T

In the matter of dealer commission and transportation charges, it is submitted that in view of the intervening developments, whereby the Government issued order dated 2.4.2005, the writ petition can be disposed of without prejudice to the liberty to the petitioners to pursue their surviving grievance before the Government. Ordered accordingly.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. NO.21546 OF 2000 (M)

J U D G M E N T

Dated 7th June, 2007.